
Appeal Decision

Site visit made on 15 November 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/M1710/W/21/3271725

25 Market Street, Alton, Hampshire GU34 1HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Izadi against the decision of East Hampshire District Council.
 - The application Ref 28088/017, dated 15 April 2020, was refused by notice dated 22 October 2020.
 - The development proposed is described as change of use of ground floor A1 retail unit to a 1 x 1 bed flat (including modest internal changes).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to an application for planning permission. In the event that I allowed the appeal it would grant planning permission only. It would not grant listed building consent for any alterations to the building which might also be required.

Main Issues

3. The main issues are the effect of the development on:
 - the vitality and viability of Alton;
 - the living conditions of future occupants in relation to outlook, light, privacy, ventilation, heat and noise, and of occupants of the flats above in relation to noise; and
 - designated heritage assets, including whether the development would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses, and whether it would preserve or enhance the character or appearance of Alton Conservation Area (the Conservation Area).

Reasons

Vitality and viability

4. The appeal concerns a small shop unit which has stood empty since 2017. This is located on Market Street in Alton town centre. Market Street provides a link between High Street and Market Square and is classified by the Council as a

primary shopping frontage. In this regard it hosts a range of small businesses. The town centre otherwise contains a vibrant mix of shops and services.

5. Policy CP8 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (the JCS) seeks to maintain the vitality and viability of the District's centres. This includes by maintaining the function of the centres, particularly in relation to shopping. These objectives are further reflected in Objective 5a of the Alton Neighbourhood Development Plan 2015 (the NP), and in Policy S2 of the East Hampshire Local Plan Second Review 2006 (the EHLP). Were the shop unit in question occupied I have no reason to doubt that its use would make a positive contribution to the vitality, viability and function of Alton, even if such a contribution would be very modest in scale.
6. During the period since 2017 the shop unit has not made any contribution to the vitality, viability and function of Alton. Rather, the reverse is likely to be true. The adverse effect on the town centre as a whole has presumably been very modest, but the effects on the frontage in Market Street are likely to have been more pronounced. Indeed, these are currently amplified by the fact that a number of other units within the street, together with a pub, also stand empty. The particular circumstances of these other properties are however unknown.
7. The appellant indicates that the unit has been marketed since 2017, but aside from a single advert, and extremely brief comments from the agent, no specific or detailed evidence has been set before me. This makes it impossible to corroborate the claim that the unit has in fact been subject of robust marketing, and that the level of rent sought is reasonable. As such the appellant has failed to convincingly demonstrate that the harm that would be caused by the unit's permanent loss would be justified by a lack of demand.
8. For the reasons outlined above I conclude that in the absence of clear evidence to the contrary, the effect of the development on the vitality and viability of Alton would be unacceptable. The scheme would therefore conflict with Policy CP8 and the JCS, Objective 5a of the NP, and Policy S2 of the EHLP as summarised above.

Living conditions

9. The existing shop unit comprises a single room with a largely glazed frontage, and a small room with window and toilet to the rear. Given that the window to the rear would be obscure glazed, the only clear outlook from the proposed flat would be through the frontage. As direct views in from the pavement would be possible, the occupants would lack privacy in the absence of heavy blinds. These are indeed proposed, and it is not unusual for blinds to be installed within such circumstances. In this case however, the resulting lack of any clear outlook from the flat would give rise to oppressive living conditions for the occupants. These would be further exacerbated by the limited natural light that would enter the interior through the blinds.
10. The current shop windows would be replaced by units featuring a series of top hung lights. These would provide natural ventilation, and their small size would offer little potential for access by burglars. These lights would be supplemented by extract fans, and any scope for excessive solar gain through the south facing frontage would be limited by the blinds. I am therefore satisfied that the accommodation could be adequately ventilated, and that it would be unlikely to overheat. It remains the case however that the function of the blinds in

blocking sunlight would exacerbate the adverse effects on outlook and natural light identified above.

11. Further concern has been raised in relation to the potential for transmission of sound between the proposed dwelling and existing accommodation above. A technical solution would presumably be possible, albeit a key constraint in this case is the listing of the building. Here the appellant has acknowledged the Council's concerns but not provided any clear confirmation of how and whether they can be appropriately resolved. That being so, the potential for mutually unacceptable levels of disturbance to arise from day-to-day domestic activities, both in relation to future occupants and to occupants above, cannot be ruled out.
12. For the reasons outlined above I conclude that the development would provide unacceptable living conditions for future occupants in relation to outlook and access to natural light, and, in the absence of evidence to the contrary, also in relation to noise. In the latter regard the development would also have an unacceptable effect on the living conditions of occupants above. The development would therefore conflict with Policy CP29 of the JCS, insofar as this states that all new development must help to create places where people want to live, and Policy CP27 of the JCS, insofar as this states that development must not result in pollution which prejudices the health and safety of communities and their environments.

Heritage assets

13. The shop unit forms part of a building listed at Grade II, which is located within the Conservation Area. Each are designated heritage assets. In this regard paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
14. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its early C19th date and relationship with other buildings within the streetscene. In this regard it features an unusual window arrangement at first floor level, most likely disturbed by the insertion of shop fronts on the ground floor, and a distinctive use of yellow stock bricks. The design and construction of the shopfront itself holds limited heritage value, being relatively modern in character, nonetheless its presence forms an aspect of the building's group value with other buildings within the street.
15. The scheme would entail changes to the shopfront. Insofar as this would see the introduction of glazing bars to the windows, many examples of traditional shopfronts with glazing bars can be found within surrounding streets. Such shop fronts do not however contain relatively large top hung lights, and in this regard the arrangement would be somewhat domestic in character. This would appear incongruous viewed within the context of what would otherwise remain identifiable as a shopfront. The effect would be worsened by the incorporation of an extract vent, and the required fitting of heavy blinds. The latter would cause the frontage to appear dead. Notwithstanding the limited heritage value of the existing shopfront, the incongruous nature of the proposed alterations would detract from appreciation of the listed building viewed as a whole and alongside other buildings within the street. Consequently, the special interest of the listed building would not be preserved, or its significance conserved.

16. The listed building is located within the Conservation Area. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic layout of the town centre, and the collection and interrelationship of historic buildings, spaces and uses that it contains. This includes shops and the sense of vitality that these contribute. Within this context the listed building itself makes a positive contribution, notwithstanding current vacancy of the shop unit in question, and the limited heritage value of the shopfront. For the reasons considered above, the incongruous appearance of the modified shopfront would detract from the character and appearance of the streetscene. The adverse effect would be amplified by a permanent loss of vitality resulting from the change of use, which, given my findings above, lacks appropriate justification. Consequently, the scheme would not preserve or enhance the character or appearance of the Conservation Area as a whole, or again conserve its significance.
17. I find that the harm caused to the significance of the listed building and to the Conservation Area would be less than substantial. Whilst such harm attracts great weight in relation to the listed building, it attracts considerable importance and weight in relation to the Conservation Area. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
18. The development would make use of a vacant unit and provide a new dwelling, thus helping to satisfy the general demand for new housing. The contribution made would however be very small in scale. It could also not be achieved without causing unacceptable harm to the vitality and viability of Alton, and the dwelling itself would provide unacceptable living conditions. As such, in this instance the social and related economic benefits of providing new housing does not attract any weight in favour of the scheme. The harm that would be caused by the proposed development would not therefore be outweighed by public benefits.
19. For the reasons outlined above I conclude that the development would have an unacceptable effect on designated heritage assets, failing to preserve the special architectural or historic interest of the listed building, and failing to preserve or enhance the character or appearance of the Conservation Area. the development would therefore conflict with Policy CP30 of the JCS, which supports the above objectives, and policy DE2 of the NP which more broadly seeks to ensure that development responds to the character and distinctiveness of the town.

Conclusion

20. The effects of the development in relation to vitality and viability, living conditions and designated heritage assets would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR